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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,514	03/24/1999	MATTHEW J. HOLLIMAN	116536-153403	9862
31817 7590 10/01/2009 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 S.W. FIFTH AVE. PORTLAND, OR 97204				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/275,514

Applicant(s)

HOLLIMAN ET AL.

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
Paper No(s)/Mail Date: _____

DETAILED ACTION

This is in reference to communication received 17 July 2009. Claims 1 – 8, 10-23 and 25 – 31 are pending for examination.

Response to Arguments

Applicant's arguments and concerns are for amended claims which have been responded to in response to pending amended claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 8, 10-23 and 25 – 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites the limitation "protecting the segments of the set, but not other segments of the group which are not in the set, by modifying blocks of video data

contained in the protected segments to prevent the protected segments from being properly displayed by the receiving device on a display device unless the protection is undone with assistance of a correct key that is not generally available and is based at least in part on the associated identifier including the processor number for the receiving device”

Applicant has not positively claimed whether it is the intent of the applicant to prevent protected segments from being properly displayed, or, applicant's claimed invention actually prevents the protected segment from being properly displayed by modifying blocks of video data contained in the protected segments

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 8, 10-23 and 25 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block US Patent 7,200,852 in view of Lewis et al. US Patent 6,385,388 and DirecTV, Inc. hereinafter known as DirecTV.

Regarding claim 1, Block teaches system and method for providing video content to a receiving device having an associated identifier.

Block does not explicitly teach selecting, out of a group of segments of video content, a set of segments of the video content to be protected wherein the set does not include all segments of the group. However, Lewis teaches concept for selecting, out of a group of segments of video content, a set of segments of the video content to be protected wherein the set does not include all segments of the group [Lewis, Fig. 8c and disclosure associated with the Figure].

Therefore, it would have been obvious to one of ordinary skill in the art to modify Block by adopting teachings Lewis to be able to provide Parental Control to the video programming, determine where filler stream can be imbedded in the video stream, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Block in view of Lewis does not explicitly teach association of identifier with the processor. However, DirecTV teaches concept of association of identifier with a processor to minimize unauthorized viewing of video stream by non-subscribing viewers.

Block in view of Lewis and DirecTV teaches concept and capability for:

providing video content to a receiving device having an associated identifier associated with a processor number for the receiving device, comprising [Block, col. 2, lines 7 – 39; DirecTV]:

selecting, out of a group of segments of video content, a set of segments of the video content to be protected wherein the set does not include all segments of the group [Lewis];

protecting the segments of the set, but not other segments of the group which are not in the set, by modifying blocks of video data contained in the protected segments [Block, Lewis] to prevent the protected segments from being properly displayed by the receiving device on a display device unless the protection is undone with assistance of a correct key that is not generally available and is based at least in part on the associated identifier including the processor number for the receiving device; and

providing access to the group of segments of video content over a network [Block].

Regarding claim 2, Block in view of Lewis and DirecTV teaches concept wherein selecting the set involves selecting at least some of the set for visual scrambling and protecting the set includes visually scrambling those segments selected for visual scrambling.

Regarding claim 3, as responded to earlier, Block in view of Lewis and DirecTV teaches concept and capability for:

providing video content, comprising:

selecting, out of a group of segments of video content, a set of segments of the video content to be protected: wherein the set does not include all segments of the group;

protecting the segments of the set, but not other segments of the group which are not in the set, by modifying blocks of video data contained in the protected segments to prevent the protected segments from being properly displayed on a display device unless the protection is undone with assistance of a correct key that is not generally available;

providing access to the group of segments of video content over a network;

wherein selecting the set involves selecting at least some of the set for visual scrambling and modifying blocks of video data includes visually scrambling blocks of video data in those segments selected for visual scrambling [Block, Lewis]; and

wherein visual scrambling involves using a key, including a remote computer number based on hardware characteristics of an intended receiving computer [DirecTV].

Regarding claim 4, Block in view of Lewis and DirecTV teaches concept wherein the remote computer number is a processor number for the receiving computer.

Regarding claim 5, Block in view of Lewis and DirecTV teaches concept wherein selecting the set involves designating those segments to be protected.

Regarding claim 6, Block in view of Lewis and DirecTV teaches concept wherein selecting the set involves selecting at least some of the set for bit encryption and modifying blocks of video data includes bit encrypting those segments selected for bit encryption.

Regarding claim 7, Block in view of Lewis and DirecTV teaches concept wherein selecting the set involves selecting at least some of the set for visual scrambling and at least some of the set for bit encryption, wherein some of the set may be selected for both visual scrambling and bit encryption, and modifying blocks of video data includes visually scrambling those segments selected for visual scrambling and bit encrypting those segments selected for bit encryption.

Regarding claim 8, Block in view of Lewis and DirecTV teaches concept wherein the remote computer number is stored and matched against a remote computer number from a remote receiving computer during playback.

Regarding claim 10, Block in view of Lewis and DirecTV teaches concept wherein the video content can be in an MPEG format.

Regarding claim 11, Block in view of Lewis and DirecTV teaches concept wherein prior to protection, the segments include video and audio and both the video and audio are protected.

Regarding claim 12, as responded to earlier, Block in view of Lewis and DirecTV teaches concept and capability for receiving and processing video content by at least one receiving device having an associated identifier with a network processor number for the receiving device, comprising:

accessing over a network a group of segments of video content including a set of segments that does not include all segments of the group, and wherein the segments in the set, but not other segments of the group which are not in the set, have been protected having blocks of video data in the segments modified to prevent the protected segments from being properly reproduced on a display device without undoing the protection with assistance of a correct key that is not generally available and is based at least in part on the processor number;

undoing the protection if the correct key is received by restoring blocks of video data in the protected segments to their original form [Lewis]; and

displaying the video content on the display device by playing the group of segments seamlessly with a media player [Lewis].

Regarding claim 13, Block in view of Lewis and DirecTV teaches concept wherein at least some of the protected segments have been protected through visually scrambling.

Regarding claim 14, Block in view of Lewis and DirecTV teaches concept wherein at least some of the protected segments have been protected through bit encryption.

Regarding claim 15, Block in view of Lewis and DirecTV teaches concept wherein the key can include a remote computer number.

Regarding claim 16, Block in view of Lewis and DirecTV teaches concept wherein information identifying protected segments is contained in headers [Block].

Regarding claim 17, Block in view of Lewis and DirecTV teaches concept wherein information identifying protected segments is contained in at least one watermark.

Regarding claim 18, Block in view of Lewis and DirecTV teaches concept wherein information identifying protected segments is contained in data transmitted separately from the segments.

Regarding claim 19, as responded to earlier, Block in view of Lewis and DirecTV teaches concept of a video content providing system and method, comprising:

storage to hold at least video content divided into segments and an identifier associated with a processor number for a receiving device;

a user interface; and

circuitry and software cooperating with the user interface to select a set of the segments to be protected from a group of segments, wherein the set does not include all segments of the group, the circuitry and software also configured to protect the set of selected segments, but not other segments of the group by modifying blocks of video data within the selected segments, to allow access to the unprotected segments over a network but to prevent the protected segments from being properly reproduced displayed on a display device after access over the network unless the protection is undone by restoring the original blocks of video data with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on the processor number.

Regarding claim 20, Block in view of Lewis and DirecTV teaches concept wherein protecting the selected segments involves a key including a remote computer number.

Regarding claim 21, Block in view of Lewis and DirecTV teaches concept wherein the user interface includes options to select at least some of the set of

segments to be visually scrambling scrambled and the protecting of the segments selected for visual scrambling includes visual scrambling.

Regarding claim 22, Block in view of Lewis and DirecTV teaches concept wherein the user interface includes options to select at least some of the set of segments to be bit encrypted and protecting of the segments selected for bit encryption includes bit encryption.

Regarding claim 23, Block in view of Lewis and DirecTV teaches concept wherein the user interface includes options to select at least some of the set of segments to be visually scrambled and at least some of the set of segments to be bit encrypted, wherein some of the set of segments may be selected for both visual scrambling and bit encryption, and

protecting of the segments selected for visual scrambling includes visually scrambling and protecting of the segments selected for bit encryption includes bit encryption.

Regarding claim 25, Block in view of Lewis and DirecTV teaches concept wherein the content includes video signals and audio signals.

Regarding claim 26, as responded to earlier, Block in view of Lewis and DirecTV teaches concept for an article comprising a machine readable media including instructions that when executed cause a video content providing system to:

select a set of segments of video content from a group of segments to be protected wherein the selected set does not include all segments of the group;

protect the segments of the selected set but not the other segments of the group, by modifying blocks of video data to prevent the protected segments from being properly reproduced on a display device unless the protection is undone with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on a processor number for a receiving device; and

provide access to the group of segments over a network.

Regarding claim 27, Block in view of Lewis and DirecTV teaches concept wherein protecting the correct key including includes a remote computer number.

Regarding claim 28, as responded to earlier, Block in view of Lewis and DirecTV teaches concept for an article comprising a machine readable media including instructions that when executed cause a video content providing system to:

access over a network a group of segments of content including a set of segments that does not include all segments of the group, and wherein segments in the set, but not other segments of the group which are not in the set, have been protected by modification of blocks of video data in the segments to prevent the protected

segments from being properly reproduced on a display device without undoing the protection with assistance of a correct key that is not generally available, wherein the correct key is based at least in part on a processor number for a receiving device for the content;

undo the protection if the correct key is received by restoring original blocks of video data in the protected segments; and

play the entire group of segments, including both the protected segments and the other segments seamlessly with a media player on the display device, wherein the media player plays the protected segments improperly if the correct key is not received.

Regarding claim 29, The Block in view of Lewis and DirecTV teaches concept wherein the key includes a remote computer number.

Regarding claim 30, Block in view of Lewis and DirecTV teaches concept of a method of providing content to at least one receiving device having an associated identifier associated with a processor number for the receiving device, comprising:

selecting a set of segments of content from a group of segments to be protected wherein the set does not include all segments of the group;

protecting the segments of the set, but not the other segments which are not in the selected set, through visual scrambling determined based at least in part on the associated identifier, wherein the visual scrambling comprises modifying coefficients of video blocks within the protected segments; and

providing access to the group of segments over a network.

Regarding claim 31, Block in view of Lewis and DirecTV teaches concept wherein the receiving device comprises a network information browser configured to display the provided content and to restore the coefficients of the video blocks in the protected segments using the associated identifier.

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 30, 2009

/Naresh Vig/
Primary Examiner, Art Unit 3629